

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 1.25. Administrative Procedures–Hearings

Article 2. Administrative Hearing Procedures for Petitions for Review of Executive Officer Decisions

Subarticle 8. Decisions of the Hearing Officer

§ 60055.37. Default Order.

(a) Upon motion, the hearing officer may find a party to be in default upon failure, without good cause to appear at a scheduled conference or hearing; or to comply with an order of the hearing officer.

(b) A default by the petitioner shall result in dismissal of the petition, with prejudice.

(c) A default by the executive officer shall result in reversal of the decision of the executive officer that is under review.

(d) Any proceeding may be reinstated by the hearing officer upon a showing of good cause that contains sufficient facts to show or establish a reasonable basis for the failure to appear at the hearing. The request for reinstatement shall be made by the defaulting party within 30 days of service of the default order.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: *Mathews v. Eldridge*, 424 U.S. 319 (1976); and Section 43105, Health and Safety Code.

REFERENCE